

AMENDED IN SENATE APRIL 13, 2009

SENATE BILL

No. 624

Introduced by Senator Romero

February 27, 2009

~~An act to amend Section 49120 of the Public Resources Code, relating to solid waste disposal districts; governing board membership; anaerobic digestion.~~
An act to amend Sections 40116 and 40201 of, and to add Section 40103 to, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 624, as amended, Romero. Solid waste: ~~garbage and refuse disposal districts; governing board membership; anaerobic digestion.~~

The California Integrated Waste Management Act of 1989 establishes an integrated waste management program administered by the California Integrated Waste Management Board that requires each city, county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan, which is required to divert 50% of the solid waste subject to the element from landfill disposal or transformation, through source reduction, recycling, and composting activities. The act allows the source reduction and recycling element to include not more than 10% diversion through transformation, as defined. The act defines the term "compost" for the purposes of the act as the product resulting from the controlled biological decomposition of organic wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility. The act defines the term "transformation" as meaning incineration, pyrolysis, distillation, or biological conversion, and excludes composting, gasification, or biomass conversion from that definition.

This bill would define the term “anaerobic digestion” for purposes of the act. The bill would additionally define the term “composting operation” or “composting facility” as an operation or facility that produces compost, including, but not limited to, an entity that produces compost either aerobically or nonaerobically and an operation or facility that utilizes anaerobic digestion. The bill would revise the definition of the term “transformation” to exclude anaerobic digestion.

~~Existing law authorizes the formation of garbage and refuse disposal districts under certain conditions, including that if the district includes 2 or more cities that the legislative body of each city within the district appoint one member to the governing board to represent each incorporated city.~~

~~This bill would remove the requirement that the city represented in this provision be incorporated.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 40103 is added to the Public Resources*
- 2 *Code, to read:*
- 3 40103. “Anaerobic digestion” means a process using the
- 4 bacterial breakdown of compostable organic material that meets
- 5 all of the following conditions:
- 6 (a) *The process involves the natural biodegradation of organic*
- 7 *materials in the absence of oxygen.*
- 8 (b) *The temperature during the process does not exceed 140*
- 9 *degrees Fahrenheit in an engineered and controlled environment.*
- 10 *SEC. 2. Section 40116 of the Public Resources Code is*
- 11 *amended to read:*
- 12 40116. (a) “Compost” means the product resulting from the
- 13 controlled biological decomposition of organic wastes that are
- 14 source separated from the municipal solid waste stream, or ~~which~~
- 15 that are separated at a centralized facility. “Compost” includes
- 16 vegetable, yard, and wood wastes ~~which that~~ are not hazardous
- 17 waste.
- 18 (b) “Composting operation” or “composting facility” means
- 19 an operation or facility that produces compost, including, but not
- 20 limited to, an entity that produces compost either aerobically or

1 *nonaerobically and an operation or facility that utilizes anaerobic*
2 *digestion.*

3 *SEC. 3. Section 40201 of the Public Resources Code is*
4 *amended to read:*

5 40201. “Transformation” means incineration, pyrolysis,
6 distillation, or biological conversion other than composting.
7 “Transformation” does not include composting, *anaerobic*
8 *digestion*, gasification, or biomass conversion.

9 ~~SECTION 1. Section 49120 of the Public Resources Code is~~
10 ~~amended to read:~~

11 ~~49120. (a) Within 30 days after the filing with the Secretary~~
12 ~~of State of the certified copy of the order of formation, a governing~~
13 ~~board of trustees for the district shall be appointed.~~

14 ~~(b) The governing board of a district is a board of directors of~~
15 ~~not less than three members. The district board shall be appointed~~
16 ~~as follows:~~

17 ~~(1) If the district includes only one city, two members of the~~
18 ~~governing body shall be selected by the board of supervisors and~~
19 ~~one member of the governing body shall be selected by the city~~
20 ~~council.~~

21 ~~(2) If the district includes two or more cities, only one member~~
22 ~~of the governing body of the district shall be selected by the board~~
23 ~~of supervisors to represent the unincorporated area. The legislative~~
24 ~~body of each city within the district shall appoint one member to~~
25 ~~represent each city within the district. If the selection of members~~
26 ~~pursuant to this subdivision results in the governing body having~~
27 ~~an even number of members, those members may appoint an~~
28 ~~additional member from the district at large.~~

29 ~~(c) A vacancy shall be filled in the same manner as an original~~
30 ~~appointment. The person appointed shall reside within the area he~~
31 ~~or she represents.~~